

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

JULY 24 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

STEPHEN RAY WILLIAMS,

Appellant.

2 CA-CR 2006-0377

DEPARTMENT B

MEMORANDUM DECISION

Not for Publication

Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20061211

Honorable Howard Hantman, Judge

AFFIRMED

Law Offices of Thomas Jacobs
By Thomas Jacobs

Tucson
Attorney for Appellant

ESPINOSA, Judge.

¶1 Appellant Stephen Williams and his brother Joshua were charged by indictment with aggravated robbery, aggravated assault, and second-degree burglary, all class three felonies alleged to be dangerous nature offenses. The charges arose from a dispute over a laptop computer the victim had loaned to the Williams brothers. The victim testified

that Stephen and Joshua had failed to return the computer after he had asked for it and had “giv[en him] the run-around” for seven to ten days. Finally, he wrote a note threatening to call the police if the computer was not returned. He taped the note to the door of the house across the street from his, where the Williams brothers’ aunt lived. Some time later, Stephen Williams forced his way into the victim’s home and injured the victim in the altercation that ensued. The victim’s injuries required medical attention, and he was eventually taken by ambulance to a hospital.

¶2 On the fourth day of trial, twelve jurors found Stephen Williams guilty of second-degree burglary but did not find it was a dangerous offense. The jury further found Stephen not guilty of aggravated robbery and aggravated assault but guilty of the lesser-included offenses of theft and simple assault.¹ Stephen had testified in his own defense at trial and had admitted having a prior felony conviction. The trial court sentenced him to time served for the misdemeanor assault conviction and to concurrent, enhanced, mitigated prison terms of one year and 4.5 years for the theft and burglary convictions. The court also ordered him to pay \$763 in restitution to the victim.

¶3 Counsel has filed a brief citing *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel states that,

¹The jury found Joshua not guilty of the three offenses charged in the indictment but guilty of criminal trespass, a lesser-included offense of second-degree burglary.

after searching the record, he could find no arguably meritorious issue to raise on appeal and asks us to search for fundamental error. Williams has not filed a supplemental brief.

¶4 We have reviewed the record in its entirety and have found no fundamental error. Accordingly, Williams's convictions and sentences are affirmed.

PHILIP G. ESPINOSA, Judge

CONCURRING:

GARYE L. VÁSQUEZ, Judge

J. WILLIAM BRAMMER, JR., Judge